



TO: Kim Lundy- Email
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: **Process Served in New York**

FOR: Wal-Mart Stores East, LP (Domestic State: DE)

**Service of Process
Transmittal**

11/23/2021
CT Log Number 540639582

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: PACE ROSETTA N // To: Wal-Mart Stores East, LP

DOCUMENT(S) SERVED: Summons, Verified Complaint, Attachment(s), Notice

COURT/AGENCY: Queens County Supreme Court, NY
Case # 7255582021

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 07/29/2019 - 77
Green Acres Road S., Valley Stream, New York, 11581

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Process Server on 11/23/2021 at 02:36

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Natalia Ratsenberg
Ratsenberg & Associates, P.C.
2579 East 17th Street, Suite 51
Brooklyn, NY 11235
718-676-5757

REMARKS: The documents received have been modified to reflect the name of the entity being served.

ACTION ITEMS: CT has retained the current log, Retain Date: 11/24/2021, Expected Purge Date:
11/29/2021

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
28 Liberty Street
New York, NY 10005

877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Tue, Nov 23, 2021

Server Name: robert piaskowy

Entity Served	WAL-MART STORES EAST, LP
Case Number	725558/2021
Jurisdiction	NY



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

ROSETTA N PACE,

Plaintiff,

- against -

WAL-MART STORES EAST, LP,

Defendant.

Index No:
Date Filed:

X Plaintiff designates Queens
County as the place of trial.

SUMMONS

The basis of venue is CPLR 503.

Plaintiff, ROSETTA N PACE,
reside at:

X 100-12 207 Street
Queens Village, NY 11429

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York
November 16, 2021

RATSENBERG & ASSOCIATES, P.C.
Yours etc.,

BY: Natalia Ratzenberg
NATALIA RATSENBERG, ESQ.
Attorneys for Plaintiff
ROSETTA N PACE
2579 East 17th Street, Suite 51
Brooklyn, New York 11235
(718) 676-5757

To: WAL-MART STORES EAST, LP
c/o C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK, NY 10005

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X ROSETTA N PACE,

Index No.:

Plaintiff,

-against-

VERIFIED COMPLAINT

WAL-MART STORES EAST, LP,

Defendant.

-----X

Plaintiff, by her attorneys, RATSENBERG & ASSOCIATES, P.C., complaining of Defendant herein, respectfully states and alleges, upon information and belief, as follows:

1. Plaintiff, ROSETTA N PACE, at all times of the institution of this action, was and still is a resident of the County of Queens, City and State of New York.
2. Upon information and belief, that at all times hereinafter mentioned, the Defendant, WAL-MART STORES EAST, LP, at all times of the institution of this action, was and still is a foreign limited partnership, duly organized and existing under the laws of the State of Delaware.
3. Upon information and belief, that at all times hereinafter mentioned, the Defendant, WAL-MART STORES EAST, LP, at all times of the institution of this action, was and still is registered to do and doing business in the State of New York.
4. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, leased, owned, managed, operated and/or controlled a Wal-Mart store on the premises known as 77 Green Acres Road S., Valley Stream, New York 11581.
5. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, operated the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and the products, bins, fixtures and shelving contained therein.

6. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, controlled the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and the products, bins, fixtures and shelving contained therein.

7. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, managed the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and the products, bins, fixtures and shelving contained therein.

8. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, maintained the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and the products, bins, fixtures and shelving contained therein.

9. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, had a duty to operate, manage, control, and maintain the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and the products, bins, fixtures and shelving contained therein in a reasonably safe and suitable condition and state of repair.

10. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, had a duty to warn of the danger of existing and negligently created defects at the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and the products, bins, fixtures and shelving contained therein.

11. On or about July 29, 2019, at approximately 9:45 AM, while Plaintiff, ROSETTA N PACE, was walking through an aisle at the Wal-Mart store located at 77 Green Acres Road S.,

Valley Stream, New York 11581, Plaintiff was caused injury as a result of a large bin improperly placed and stored on the top shelf of a store shelving unit / fixture.

12. At all times hereinafter mentioned, the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581, was intended for the lawful use of customers and pedestrians.

13. Upon information and belief, on or about July 29, 2019, the organization, placement, installation, and maintenance of the products, bins, fixtures and shelving at the point Plaintiff was caused injury was a dangerous and hazardous condition constituting a trap that Defendant knew, or in the exercise of reasonable care should, have known of.

14. Upon information and belief, Defendant made "special use" of the products, bins, fixtures and shelving at the point Plaintiff was caused injury.

15. Upon information and belief, on or about July 29, 2019, Defendant caused and/or created the dangerous, hazardous, and unsafe condition upon said Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 and Defendant knew or, in the exercise of reasonable care, should have known about the existence of that condition.

16. Upon information and belief, on or about July 29, 2019 and for a substantial period of time prior thereto, Defendant knew or, in the exercise of reasonable care, should have known, of the conditions on the products, bins, fixtures and shelving at the point Plaintiff was caused injury could or would be likely to render the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581 dangerous, perilous, and hazardous to traverse, with the likelihood of injury and harm to patrons lawfully using same.

17. This action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

18. The aforesaid occurrence was caused by the negligence, carelessness and recklessness of Defendant, WAL-MART STORES EAST, LP, in the ownership, operation,

maintenance, and/or control of the Wal-Mart store located at 77 Green Acres Road S., Valley Stream, New York 11581, without any negligence, carelessness and/or recklessness on the part of Plaintiff contributing thereto.

19. By reason of the foregoing occurrence, Plaintiff, ROSETTA N PACE, sustained serious injury and suffered pain, suffering, and mental anguish; these injuries and their effects will be permanent; and as a result of said injuries, Plaintiff, ROSETTA N PACE, has been caused to incur, and will continue to incur, expenses for medical care.

20. By reason of the foregoing, Plaintiff, ROSETTA N PACE, has been damaged in an amount, which after the adjustments and calculations expected to be required by the application of article 50-B of the Civil Practice Law and Rules exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, ROSETTA N PACE, demands judgment against Defendant, WAL-MART STORES EAST, LP, as follows:

- (a) In an amount which exceeds the jurisdictional limits of all lower court which would otherwise have jurisdiction;
- (b) Awarding Plaintiff interests, costs, and disbursements in this action; and
- (c) Granting such and other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: Brooklyn, New York
November 16, 2021

RATSENBERG & ASSOCIATES, P.C.

Yours etc.,

BY: Natalia Ratzenberg
NATALIA RATSENBERG, ESQ.

Attorneys for Plaintiff

ROSETTA N PACE

2579 East 17th Street, Suite 51
Brooklyn, New York 11235
(718) 676-5757

ATTORNEY'S VERIFICATION

NATALIA RATSENBERG, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at RATSENBERG & ASSOCIATES, P.C., attorneys of record for Plaintiff, ROSETTA N PACE. I have read the foregoing Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff is not presently in the county wherein the attorneys for the plaintiff maintain their offices.

Dated: Brooklyn, New York
November 16, 2021

N. Ratzenberg

NATALIA RATSENBERG

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

ROSETTA N PACE,

Plaintiff,

- against -

WAL-MART STORES EAST, LP,

Defendant.

SUMMONS & VERIFIED COMPLAINT

RATSENBERG & ASSOCIATES, P.C.

ATTORNEYS AT LAW

Attorneys for Plaintiff

ROSETTA N PACE

2579 East 17th Street, Suite 51
Brooklyn, New York 11235

Tel. (718) 676-5757
Fax (718) 676-5758

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:November 16, 2021.....

Signature:*N. Ratzenberg*.....
Print Signer's Name: NATALIA RATSENBERG, ESQ.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

-----X
ROSETTA N PACE

Plaintiff/Petitioner,

- against -

Index No. 725558/2021

WAL-MART STORES EAST, LP

Defendant/Respondent.

-----X
**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• If you are represented by an attorney:

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• If you are not represented by an attorney:

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 11/17/2021

Natalia Ratsenberg Esq
Name

2579 East 17th Street, Suite 51
Address

Ratsenberg and Associates, P.C.
Firm Name

Brooklyn, NY 11235

718-676-5757
Phone

info@rresq.com
E-Mail

To: WAL-MART STORES EAST, LP
c/o C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK, NY 10005

6/6/18